



10 JUL 2006

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In re Application of: KURAI, Osamu, et al.
U.S. Application No.: 10/551,544
PCT No.: PCT/JP2005/001278
International Filing Date: 28 January 2005
Priority Date: 30 January 2004
Attorney's Docket No.: KURA3005/REF
For: SEARCH DEVICE AND INFORMATION
PROVIDING SYSTEM

DECISION

This decision is issued in response to applicants' "Response And Submission Of Missing Parts Of Application" filed 30 September 2005, treated in part herein as a request to correct the spelling of the name of the inventor identified on the international application as Akihito KINOUCHI. No petition fee is required.

BACKGROUND

On 28 January 2005, applicants filed international application PCT/JP2005/001278. The international application claimed a priority date of 30 January 2004, and it designated the United States. On 11 August 2005, the International Bureau communicated a copy of the international application to the United States Patent And Trademark Office. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 30 July 2006.

On 30 September 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an Application Data Sheet (ADS), and a translation of the international application.

On 10 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 21 February 2006, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration and a supplemental ADS. The response indicates that the supplemental ADS "corrects the spelling of the last named inventor," and a review of the supplemental ADS confirms that the name of this inventor, which was listed on the international application and on the original ADS as Akihito KINOUCHI, has been changed on the supplemental ADS to Akihito KIUCHI. The name for this inventor on the executed declaration is also listed as Akihito KIUCHI.

DISCUSSION

MPEP section 605.04(b) states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Applicants' 21 February 2006 submission suggests that the correct name for the last named inventor is Akihito KIUCHI, as listed on the declaration and the supplemental ADS, and that the listing of this inventor's name as Akihito KINOUCHI on the international application was the result of a transliteration error. However, applicants have not provided a statement confirming that this is the case. Such a statement is required before the declaration filed 21 February 2006 can be accepted.

It is noted that, if the discrepancy in the inventor's name did not result from a typographical or transliteration error, but rather is the result of an actual change in the inventor's name, than a petition under 37 CFR 1.182 is required (see MPEP section 605.04(c)).

CONCLUSION

Applicants' request to correct the inventor's name is **DISMISSED** without prejudice.

The name of record for the last inventor remains Akihito KINOUCHI, as set forth in the published international application. The declaration filed 21 February 2006 is therefore unacceptable under 37 CFR 1.497 for failure to properly identify the inventors of record herein.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include either: (1) a statement confirming that the correct name for the last named inventor is Akihito KIUCHI, as listed on the declaration, and that the listing of this inventor's name as Akihito KINOUCHI on the international application was the result of a typographical or transliteration error; or (2) if the inventor's name has been changed since the filing of the international application, a grantable petition under 37 CFR 1.182 to correct the inventor's name.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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